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ABSTRACT

This guide for parents whose children have been placed in foster care explains the foster care process and offers advice on the parent's role, rights, and responsibilities. Section headings are: What Is Foster Care?; How Does My Child Come into Foster Care?; How Should I Work With My Agency Caseworker?; How Do I Plan for My Child's Future?; What Are My Parental Rights and Responsibilities?; What Can I Do if I Have a Complaint?; How Can I Get a Lawyer?; and What Court Actions Can Take Place Concerning Me and My Child? A "Request for discharge of child from foster care" form and legal service telephone numbers for New York City are included. (SB)

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The Parents' Handbook

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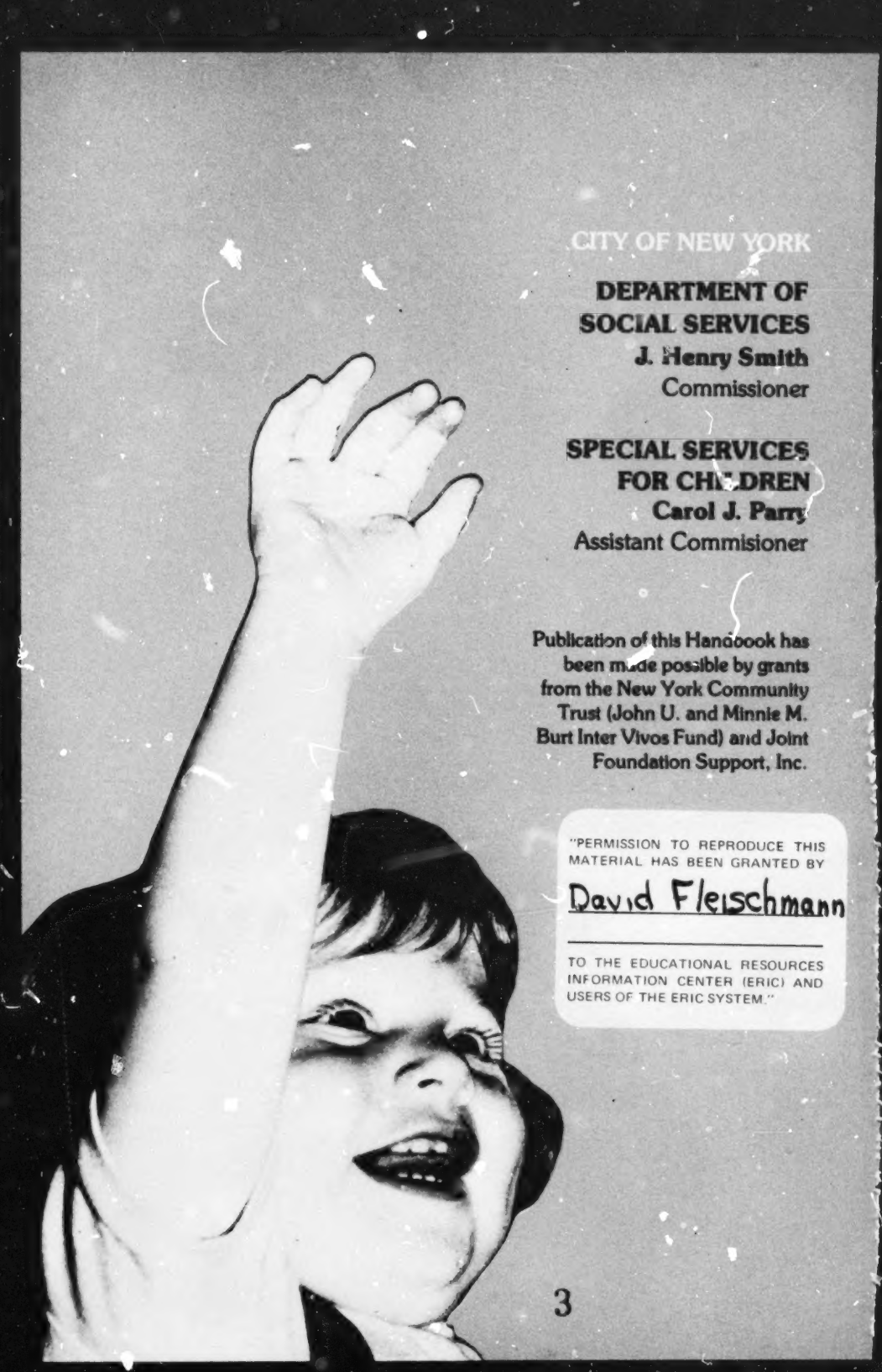
A Guide for Parents of Children in Foster Care

January 1977



CITY OF NEW YORK

DEPARTMENT OF SOCIAL SERVICES
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TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC) AND USERS OF THE ERIC SYSTEM."

This Handbook has been written for you. Your child is in foster care, or is going to be placed in foster care. We know that this can be a confusing, difficult time for parents. You will probably have many questions about foster care. This guide will answer some of them, and will help you understand how you can make placement a better experience for your child and you.

The most important message in this Handbook is that **YOU ARE STILL THE MOST IMPORTANT PERSON IN YOUR CHILD'S LIFE.** That is why it is so very important that you stay involved with your child during placement, and show your concern and interest in his or her welfare.

Foster care can be a very helpful experience for you and your child. It provides you with a chance to work out many problems that you have been having, and to decide what is best for your child's future. You and the agency caring for your child need to work together to make these things happen.

"The Parent's Handbook" can help you, but it is **only a starting point.** If it does not answer your questions, or if you do not understand any part of it, then contact your caseworker at the agency caring for your child and talk about your concerns with him or her.

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A. What Is Foster Care?

Children are placed in foster care when it is not possible for them to be cared for by their own families. In New York City, foster care is provided either by the public agency, Special Services for Children (SSC), or by one of the voluntary (private) child-caring agencies. In this manual, we may mean either a public or a private agency when we talk about an "agency."

Your child may be placed in:

1. a foster home: Your child lives in the home of foster parents and is cared for by them. Foster parents receive payments to help take care of the costs of caring for your child. Both the child and the foster parents are supervised by the agency caring for your child. In some cases, neighbors or relatives may be asked to care for your child for a while, and sometimes could become foster parents; **or**

2. a group home or group residence: Your child lives with a group of children in a house or apartment owned or rented by the agency. Houseparents employed by the agency provide care for the children; **or**

3. an institution: Your child lives with many other children either in one large building or in cottages. Cottage parents or counselors employed by the agency provide care for the children.

Most foster care placements are in New York City. However, some are located outside of New York City, in nearby counties, upstate counties, or in other states.

Your child's needs and the available foster care settings are the most important factors guiding placement decisions. However, your desires related to the care provided to your child will be taken into account whenever possible.

B. How Does My Child Come Into Foster Care?

1. Upon your request: If you apply for help from SSC, a caseworker will talk with you about your situation and plans. Together, you could decide that your child should be placed in foster care. You will then be asked to sign a **"Voluntary Placement Agreement"** (Form W-864). By signing this agreement, you temporarily transfer the care and custody of your child to SSC. This Agreement may be for a period that is left open, or it may specify a particular date or an event upon which your child shall be returned.

2. By Order of the Family Court:

a. because of Abuse or Neglect: SSC and the Societies for the Prevention of Cruelty to Children (SPCC's) may go to Family Court if, after investigating a report or in the process of carrying out other responsibilities, they believe that your child has been abused or neglected. The Judge can "remand" your child (temporarily place in foster care) before he or she makes a final decision about the case. If the Judge decides that your child was abused or neglected, he or she may order the placement of your child in foster care.

b. as a Person in Need of Supervision (PINS): Your child may be brought to Court on a PINS petition if his or her behavior is believed to be beyond the control of those caring for him or her, or if he or she is constantly truant from school. If the Judge decides that your child is a PINS, he or she may then order that the child be placed in foster care. Be sure your child has a lawyer to protect his or her legal rights.

c. as a Juvenile Delinquent: Your child may be brought to Court on a juvenile delinquency petition if he or she is between the ages of 7 and 16 and is believed to have committed an act which would be considered a crime if done by an adult. If the Judge decides that your child is a delinquent, he or she may then order that your child be placed in foster care. Be sure that your child has a lawyer to protect his or her legal rights.

3. In an emergency: Your child may need to be placed in foster care in an emergency situation. If SSC has to remove your child from your home in an emergency, then either:

a. SSC will get your consent for the placement; **or**

b. Your consent will not be gotten, because you are either not available or not able to give it; **or**

c. Your consent may not be asked for, because your child had to be removed from your home for his or her safety.

If your consent is not given, a Court order will be needed for SSC to continue caring for your child.

IT IS IMPORTANT FOR YOU TO UNDERSTAND THAT YOU ARE STILL YOUR CHILD'S PARENT EVEN WHILE HE OR SHE IS IN PLACEMENT. Your child needs you. He or she needs to know that you love and care about him or her even though you are not directly caring for him or her. Your child needs to keep in close contact with you.

C. How Should I Work With My Agency Caseworker?

The main person you talk to when your child is in placement is the caseworker at the agency caring for your child. The caseworker has two main jobs to do: to make sure that your child is getting good care and to help your child return to a permanent home. This will mean either helping you to work out the problems that made placement necessary so that your child can return home, or finding another permanent home if return to your family is not possible or desirable.

You and your caseworker should start to talk right away about the reasons why placement was necessary. Together, you will decide what changes need to be made by you, by your child, or by both of you, and set up a **"plan"** for how to go about making these changes. This child care "plan" will work only when you and your caseworker work together cooperatively and keep in close contact with one another. You will be able to share information and concerns about your child. Your visits will be easier to arrange. Your caseworker will be able to help you by providing advice and counseling, and by referring you to other kinds of services you may need.

IT IS VERY IMPORTANT THAT YOU AND YOUR CASEWORKER MAKE A "PLAN" AND BEGIN FOLLOWING IT AS SOON AS POSSIBLE. IF YOU DO NOT WORK WITH THE AGENCY OR KEEP IN CONTACT WITH YOUR CHILD, YOU COULD LOSE YOUR RIGHTS AS A PARENT.

D. How Do I Plan For My Child's Future?

Placement is a temporary period, hopefully a short one, when your child must live outside your home. But a permanent home is very, very important to a child, and the goal always is to end placement and provide a child with permanence—either back in your home or, if that is not possible, in a new adoptive home.

1. Return Home

The decision that it is time for your child to go home should be made by you and your caseworker together.

You must agree that there has been real improvement in the situation which made placement necessary. You should be visiting with your child as often as possible. These contacts will make it easier for you to prepare for his or her return, and for both of you to adjust to being together again. Together, you and your caseworker should decide:

- when your child will return home;
- how your child will be cared for and supervised at home;
- if you need and are eligible for some financial help to get clothing and furniture for your child;
- if you or your child need casework or other special services after discharge.

Ideally, a decision to return your child to your home should be one that is made by you and your caseworker together. However, you may ask for your child to be returned at any time after placement, even if you have **not** made this decision with your caseworker.

To make the return home easier for your child, you should plan for his care and supervision even if you are requesting his return without the agency's agreement, or if you expect him to return upon a date or event mentioned in the Voluntary Placement Agreement. When you want your child to come home to you, or if you expect the event which was mentioned in the Voluntary Placement Agreement to occur, you should give **written notice** to the agency caring for him or her. There is a **"Request for Discharge of Child from Foster Care"** form at the end of this handbook that you should use if you make this request. Please send your request by registered mail, so that you will have a record of it.

If you want your child to return home

- but the Voluntary Placement Agreement you signed did not specify any date or event for your child's return, you may request that he or she be returned to you. The agency may return him or her to you within 20 days after your request is received. However, if the agency and SSC believe that your child should not be returned to you at that time because they think you are not yet able to care for him or her, then they must get a Court Order within 20 days directing that your child remain in care.
- and the date or event arrives that was specified in the Agreement you signed, he or she must be returned to you at that time, unless the agency and SSC believe that your child should not be returned to you because they think you are not yet able to care for him or her. In that case, they must get a Court Order within 10 days after the date or event directing that your child remain in care.
- before the particular date or event specified in the Agreement you signed, you should request that he or she be returned to you. The agency may return

your child to you within 10 days after your request is received. However, if the agency and SSC believe that your child should not be returned to you at that time because they think you are not yet able to care for him or her, they have 10 days in which to deny your request. You may then ask the Court to order that your child be returned to you.

• If your child was ordered to be placed by a Family Court Judge, the agency should respond to your request quickly. The agency and SSC may agree to your request. However, if they do not agree, you may talk with the Parents' Rights Unit at SSC (see section F). Or, if 30 days have passed since you asked for your child to be returned and you are unhappy with the situation, you have the right to go to Court and ask the Judge to decide whether your child should go home to you or stay in placement. The Judge's decision must be obeyed.

2. Adoption

You may decide that the only way your child can have a permanent, stable home is for you to plan for adoption. A child who is adopted goes to live with a new family permanently. This child takes the name of the new family and is legally a member of that family forever. A child can only be adopted by a new family after he or she has been made "free" for adoption. Then there must be a Court order giving the new parents full responsibility and parental rights for the child.

You can **voluntarily** free your child for adoption by signing a legal document called a **Surrender.** When you sign a Surrender, you give up your parental rights. Since signing a Surrender is a very serious matter, you should think about it carefully, and discuss it with your caseworker and with a lawyer. After you sign a Surrender, you are no longer your child's legal guardian. You are no longer responsible for your child's future. If you change your mind about the Surrender, the agency may be able to help you **only** in the first 30 days after you signed the Surrender, or if your child has not been placed in an adoptive home.

When your child is free for adoption, the agency will try to find the best permanent home for him or her. If your child has lived in a foster home, his or her foster parents will usually be asked first if they want to become his or her adoptive parents. If they do not, the agency will look for other families until a suitable one is found.

E. What Are My Parental Rights and Responsibilities?

It is important that you know and understand what your parental rights and responsibilities are while your child is in care. **If you take full advantage of**

your rights and carry out your responsibilities, you can make placement a better experience for you and your child.

YOUR PARENTAL RIGHTS AND RESPONSIBILITIES GO TOGETHER. If you do not carry out your parental responsibilities, you may lose or endanger your parental rights. If you cannot exercise your rights, you may be unable to carry out your responsibilities.

1. Your Rights

- To work together with your caseworker in making the plan for your child.
- To be consulted whenever a change in the plan is being considered.
- To know what the agency expects you to do before your child is returned to you.
- To visit your child. You and your caseworker together will decide how often, when and where you should visit your child. You have the right to be alone with your child, and perhaps to have your child spend an afternoon with you outside the agency or visit you at home if that is part of the plan. Family Court Judges and SSC have the right to limit visiting if they decide that it will not be good for your child.
- To appeal a decision limiting your visiting rights.
- To be given carfare for your visiting, if you are financially eligible for it.
- To meet the people who directly care for your child, such as counselors, houseparents or foster parents.
- To get reports from your caseworker on your child's health and development, progress in school, and behavior.
- To receive help and/or counseling for problems which need to be resolved before your child can return home.
- To receive help, if needed, for your children who remain at home with you.
- To have your child receive religious training if you have asked for it.
- To approve surgery or serious medical care if needed by your child, except when you cannot be reached in an emergency.
- To be notified as soon as possible of any serious medical emergency, and if any major treatment is given without your consent.
- To have your complaints listened to and responded to by the agency.
- To receive notice of and to attend any Court action held about your child or about your parental rights, except if the Court acts in an emergency.

• To consult with a lawyer at any time, and to be represented by a lawyer in any Court action concerning your child or affecting your parental rights. (If you want a lawyer, see Section G.)

2. Your Responsibilities

• To work with your caseworker in setting up the plan for what **you** must do while your child is in care, and for what will be best for your child's future.

• To work toward solving the problems which prevent your child from coming home to you. If your caseworker advises you to go somewhere to get help for a problem, you should follow up on that suggestion.

• To visit your child regularly, at a time and place agreed upon with the agency caseworker. This is so important that the law says that if you are able to visit your child but make infrequent visits, you could lose your parental rights. If you cannot visit, you must tell the caseworker why, and make every effort to call your child or write regularly.

• To talk about your child's care and progress with your caseworker.

• To tell your caseworker about major changes in your life, such as change of address, telephone number, job, income, marriage or other living arrangements and changes affecting other members of your family.

• To keep appointments with your caseworker. If you cannot keep an appointment or must cancel a visit, let your caseworker know.

• To answer letters that agency workers send to you. If your worker asks for information about your child, it is very important that you provide it.

• To pay toward the cost of your child's care, if you are found to be able to do so. You must tell your caseworker if your income changes.

F. What Can I Do If I Have a Complaint?

1. Speak to Your Agency Caseworker

Whenever you have a complaint or a problem, the **first person** to talk to is your caseworker at the agency caring for your child. An open discussion will often settle the matter. If you and your caseworker cannot resolve the problem, ask to speak to your worker's supervisor or the agency director.

2. The Parents' Rights Unit

Sometimes you may not be able to work out the problems at the agency providing care for your child. SSC has set up a special Parents' Rights Unit for you to go to if that happens. You might call this unit, for example,

• if you wish to visit more often than your agency allows;

- if you want your child to come home, but the agency does not agree with you;
- if you have asked the agency for help for any member of your family but it has not been given.

The Parents' Rights Unit will listen to your side of the story and will contact people from the agency. Then the Unit will make a decision about the fairest way to settle the problem or complaint. This decision will be explained to you by the Parents' Rights Unit worker.

The Parents' Rights Unit can be called at **473-5999**, Monday through Friday from 9:00 to 5:00.

3. Fair Hearings

If you are not satisfied with a decision made by the Parents' Rights Unit, or if you choose not to use it at all, then you may want to have a "fair hearing" conducted by the New York State Department of Social Services. You must make your complaint within 60 days of the time the situation occurred. You might request a fair hearing, for example,

- if you disagree with a decision about discharge or transfer of your child from foster care;
- if you have been denied supportive services that you believe you have a right to have;
- if you feel that you have been the subject of discrimination by an agency worker.

Both you and the agency must appear at the fair hearing. You may be represented by a lawyer, a relative or a friend, or you may represent yourself. The hearing officer will question both sides in order to get a full idea of the situation. Both you and the agency must follow the decision which he or she makes.

To request a fair hearing, write a short letter stating your complaint within 60 days of the time the situation occurred to: **New York State Department of Social Services, Fair Hearing Section, 1450 Western Avenue, Albany, New York 12203.**

4. Court

If the disagreement you are having with the agency is about your child's return home or the agency's refusal to let you visit, you may want to go to Court to resolve it. You can go to Court if you were not satisfied with the decision made by the Parents' Rights Unit or at a Fair Hearing, or if you chose not to go to either one for help. You will need to get a lawyer to help you.

Such cases are heard in the Family Court and the State Supreme Court. The Judge will listen to both you and the agency, and will make a decision based on your legal rights and what is best for your child. Both you and the agency must follow the Judge's order.

G. How Can I Get a Lawyer?

You can call the following organizations to get free legal advice and services:

- **Community Action for Legal Services (CALS): 966-6600**
- **Legal Aid Society — Civil Division: 227-2755**
- **Mobilization for Youth Legal Services (MFY): 777-5250**

If you cannot afford to pay for a lawyer, you can tell the Judge that you want one. He or she will either appoint one for you or direct you to the nearest free legal services office. If you want to have or need to have the services of a lawyer and are able to pay for one, you are expected to hire one on your own.

H. What Court Actions Can Take Place Concerning Me and My Child?

You should **always** go to Court when you get a legal notice or a phone call saying that there will be a hearing about your child. It is your right as a parent to be at the hearing. Some Judges may think you do not care about your child if you do not come. Even though you may be told that it is not necessary for you to go to Court, it is very much in your interest to go whenever you are told about it.

Family Court is set up so that you can come without a lawyer and still be heard. However, you can always bring a lawyer to Court, even when a lawyer is not required to be there. A lawyer can explain things to you which are not clear, and can make sure the Judge understands how you feel and what you want. If the Court action involves a matter that you and the agency are not agreeing on, be **sure** to bring a lawyer with you to the hearing, or tell the Judge you need one to protect your rights.

You may also ask the Judge for an **interpreter** if you are unable to speak and understand English.

1. Court Actions Concerned with the Plan for Your Child:

a. 358-a Proceeding: This Court action takes place if you signed a "Voluntary Placement Agreement" form when your child first came into care and your child now has been in placement for more than thirty days. If the Judge agrees that your child should be in foster care, he or she will approve the "Voluntary Placement Agreement" transferring care and custody of your child to SSC.

b. 392 Review: This hearing is held to review the plans that have made for your child's future. It must take place after your child has been in care for 18 months, if he or she was placed with your consent. Follow-up hearings will take place at least every 24 months after that. The Judge will want to know what has happened since your child was placed. He or she will want to know what your plans and hopes are for yourself and your child, and if your child can come home to live with you. The Judge will decide at this hearing if your child should go home to you, or if your child should stay in placement, or if steps should be taken to free your child for adoption.

c. Extension of Court Placement: If your child was ordered to be placed by a Judge and it is believed that continuation of the placement is necessary, then this Court action takes place when the Court Order of placement is about to end. This is usually 18 months after your child was first placed by the Court; each extension order usually ends after each additional 12 months. You should tell the Judge what your plans are for your child and what you want to have happen. The agency will explain why it believes your child should remain in care. The Judge will decide if the placement should be continued, or if your child should go home, or if steps should be taken to free your child for adoption.

2. Court Actions at which Your Parental Rights Can Be Ended:

YOU CAN LOSE YOUR PARENTAL RIGHTS TO YOUR CHILD WITHOUT YOUR CONSENT IF YOU DO NOT CARRY OUT YOUR PARENTAL RESPONSIBILITIES WHILE YOUR CHILD IS IN PLACEMENT, or if you cannot do so because of mental retardation or mental illness. This may happen if you do not keep in contact with your child and the agency and plan for your child's future.

A Judge is the **only** person who can end your parental rights to your child without your agreement. He or she can do this only after there is a Court hearing about your failure to carry out some of your parental responsibilities. **IF THE JUDGE ENDS YOUR RIGHTS TO YOUR CHILD, YOU ARE NO LONGER HIS OR HER CUSTODIAN AND GUARDIAN.** Unless you appeal the Judge's decision, the agency can then place your child for adoption or make other plans for him or her without talking to you about it.

There are several Court actions at which your parental rights to your child can be ended:

a. Abandonment: A child is "abandoned" if his or her parent or guardian did not visit him or her on a regular basis without good reason for at least 6 months. If an agency believes that you have abandoned your child, it has the right to go to Court and request that your parental rights be ended.

b. Permanent Neglect: A child is "permanently neglected" if for more than one year after he or she came under the care of an agency, his or her parent or guardian has failed "substantially and continuously or repeatedly" to maintain contact with him or her or did not plan for his or her future, although physically and financially able to do so. The agency will have to prove that it tried to work with you and encourage and strengthen the parental relationship when this was best for your child. If an agency believes that your child is "permanently neglected," it has the right to go to Court and request that your parental rights be ended.

c. Inability to Care: A parent can be found by the Court to be "presently and for the foreseeable future unable to provide proper and adequate care (for a child), by reason of mental illness or mental retardation," if there is "clear and convincing proof" including testimony from a physician and psychologist or psychiatrist. If the child has been in an agency's care for more than one year and termination would be in the child's best interests, the court may terminate the parent's rights and transfer guardianship of the child to the agency.

IT IS ESPECIALLY IMPORTANT THAT YOU GO TO THESE HEARINGS AND THAT YOU HAVE A LAWYER. IF A JUDGE RULES THAT YOU ABANDONED YOUR CHILD OR THAT YOUR CHILD IS PERMANENTLY NEGLECTED, HE OR SHE CAN MAKE AN ORDER TO PERMANENTLY END YOUR PARENTAL RIGHTS. You may appeal this decision.

Summary

We hope that "The Parents' Handbook" has helped you understand foster care, what can happen, and what you can do. Placement can be a difficult time, but it can also be a very helpful time when the problems that are keeping you and your child apart can be resolved. **You** can have the most important role in making this happen if you stay involved, work cooperatively with the agency, and show concern for your child's welfare. We believe that if you do all this, foster care **will** be a helpful experience for you and your child.

Form W-864V—11/7/75 **The City of New York, Department of Social Services, Special Services for Children**

REQUEST FOR DISCHARGE OF CHILD FROM FOSTER CARE

PETICIÓN PARA DEVOLVER AL NIÑO (A) DEL CUIDADO DE CRIANZA

1. **My name**
   Mi nombre _____
2. **My current address**
   Mi presente dirección _____
3. **My current phone number**
   Mi presente número de teléfono _____
4. **My child's name**
   Nombre de mi niño (a) _____
5. **My child's birthday**
   Fecha de nacimiento de mi niño (a) _____
6. **The name of the agency caring for my child**
   El nombre de la Agencia que cuida de mi niño (a) _____

   _____
7. **I want my child returned to me on** ***(fill in date)***
   Yo quiero que mi hijo (a) regrese *(ponga la fecha fijada)* _____

Answer the Questions Below:
Conteste Las Siguientes Preguntas:

1. **Will your child live with you, after he or she comes home?**
   ¿Vivirá su niño (a) con Usted después que él o ella regrese a su hogar?

   Check one / *Cheque* ☐ *Yes* / *Si* ☐ *No* / *No*

   If you answered No, tell us with whom your child will live.
   Si su respuesta es No, díganos con quién vivirá su niño (a).

   _____
   Name of person and relationship to you
   Nombre de la persona y su relación hacia Usted

   Address
   Dirección _____

   _____

...Complete other side.
...Llene el otro lado.

2. **Will you be caring for and supervising your child during the day?**
¿Cuidará Usted, y supervisará el cuidado de su niño (a) durante el día?

Check one ☐ *Yes* ☐ *No*
Cheque *Sí* *No*

If you answered No, tell us who will care for and supervise your child during the day.
Si su respuesta es No, díganos quién cuidará y supervisará el cuidado de su niño (a) durante el día

_____

Name of person and relationship to you or name of Agency
Nombre de la persona y su relación hacia Usted o nombre de la Agencia

3. **How do you plan to support your child?** ***(Check all that apply)***
¿Como planea Usted de mantener a su niño (a)? *(Cheque todo lo que le aplica)*

☐ **Work**
Trabajo

☐ **Public Assistance**
Asistencia Pública

☐ **Social Security or Suplemental Security Income (SSI)**
Seguros Sociales o Seguros Suplementarios de Ganancias

☐ **Other, specify**
Otro, especifique _____

Signed _____
Firmado Por

Date _____
Fecha

MAIL TO THE AGENCY CARING FOR YOUR CHILD

ENVIE POR CORREO A LA AGENCIA QUE CUIDA DE SU NIÑO (A)

TELEPHONE DIRECTORY

SSC CASEWORKER:

NAME:

OFFICE:

ADDRESS:

PHONE:

AGENCY CASEWORKER:

NAME:

AGENCY:

ADDRESS:

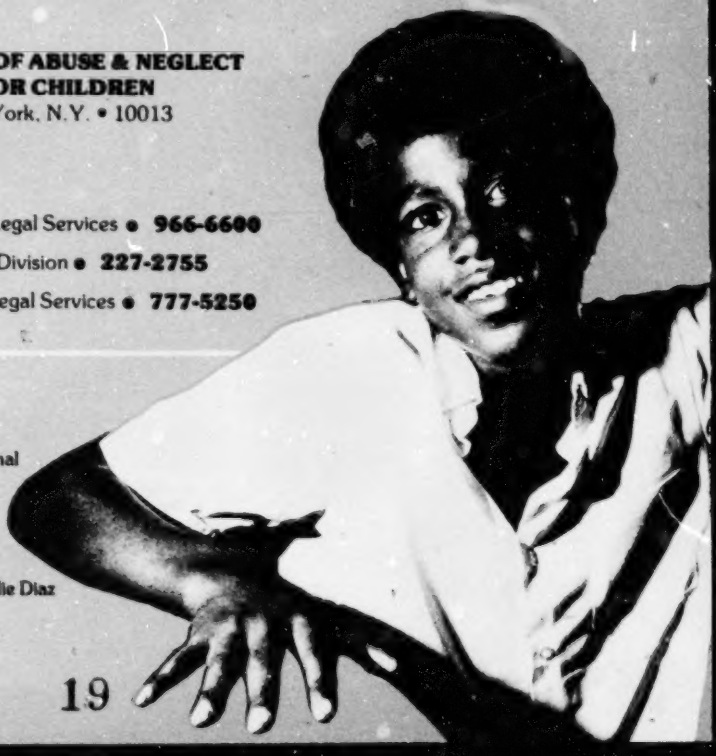
PHONE:

PARENTS' RIGHTS UNIT
SPECIAL SERVICES FOR CHILDREN
80 Lafayette Street, 10th Floor • New York, N.Y. • 10013
433-5990

CENTRAL REGISTRY OF ABUSE & NEGLECT
SPECIAL SERVICES FOR CHILDREN
241 Church Street • New York, N.Y. • 10013
431-4680

LEGAL SERVICES

1. Community Action for Legal Services • **966-6600**
2. Legal Aid Society, Civil Division • **227-2755**
3. Mobilization for Youth Legal Services • **777-5250**



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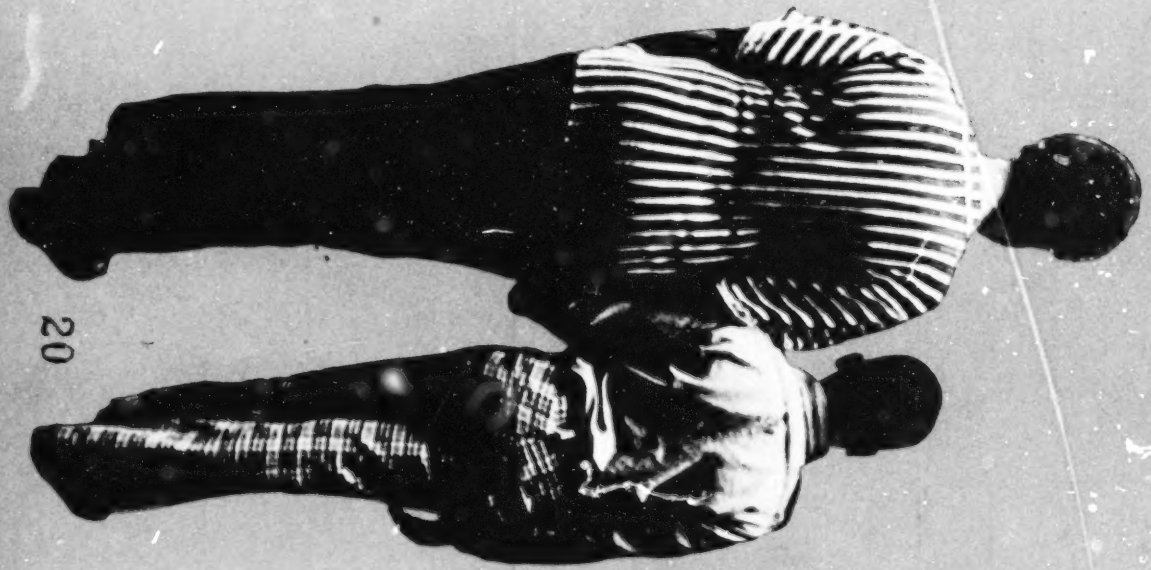
The Parents' Handbook

A Guide for Parents of Children in Foster Care



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